

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

SHIRLEY CLAYTON,

Plaintiff,

vs.

No. CIV 07-0680 JB/LAM

PIONEER BANK,

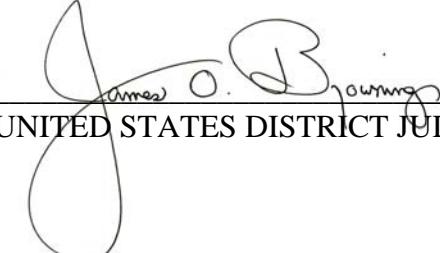
Defendant.

AMENDED MEMORANDUM OPINION AND ORDER¹

THIS MATTER comes before the Court on the Defendant's Motion for Summary Judgment, filed March 31, 2008 (Doc. 33). The Court held a hearing on June 30, 2008. The issue is whether Defendant Pioneer Bank is entitled to summary judgment on: (i) Plaintiff Shirley Clayton's claims for alleged violations of the Americans with Disabilities Act ("ADA"); (ii) Clayton's claims for alleged violations of the New Mexico Human Rights Act ("NMHRA"); and (iii) Clayton's claim for punitive damages. For the reasons stated in the Court's Memorandum Opinion and Order, filed August 12, 2008 (Doc. 46), and for reasons stated herein consistent with those already stated, the Court will deny Pioneer Bank's motion for summary judgment. The Court will exercise jurisdiction over Clayton's NMHRA claim. The Court will deny Pioneer Bank summary judgment on Clayton's ADA and NMHRA claims because there are genuine issues of material fact whether Clayton's request for four weeks of additional leave was a reasonable accommodation and whether Pioneer Bank's legitimate, nondiscriminatory reason for terminating Clayton was pretextual.

¹ This Memorandum Opinion and Order replaces the Memorandum Opinion and Order, filed August 12, 2008 (Doc. 47).

IT IS ORDERED THAT the Defendant's Motion for Summary Judgment is denied.



UNITED STATES DISTRICT JUDGE

Counsel:

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